IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4104 OF 2005

Baiti Sheku Kale. ... Applicant.

Versus.

The State of Maharashtra. ... Respondent.

Shri S.V.Kotwal i/by Shri T.E.Mane for the Applicant.

Ms.M.H.Mhatre, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 22nd July, 2005.

P.C.:

1. Heard the learned Counsel appearing for the Applicant and the learned A.P.P.

2. The offence registered against the Applicant is under sections 307, 147, 148, 504, 506 read with section 34 of the Indian Penal Code at Kurduwadi Police Station. The Application for bail made by the Applicant to the Sessions Court after filing of the charge sheet has been rejected.

3. The learned Counsel for the Applicant submitted that the Applicant is a woman and she is in custody for the last more than four months. He submitted that after investigation is complete, it is not necessary to detain the Applicant. He pointed out that the Applicant has not played any role in pouring the kerosene on the person of Laxmibai and putting the person of Laxmibai on

fire and the only allegation made against the Applicant is that after the co-accused lighted the fire, the Applicant abused Laxmibai and assaulted her by hand. The learned A.P.P. submitted that the allegation against the Applicant is of very serious nature and there are two other offences registered against the Applicant.

4. The case of the prosecution is that the co-accused Vikas Badekar poured kerosene on the person of Laxmibai and another co-accused lighted the fire. Thereafter the Applicant abused the deceased Laxmibai and assaulted her by hands. This specific version is recorded in the statement of deceased Laxmibai. One offence registered against the Applicant in December 2004 is under sections 323, 324, 502, 506 read with section 34 of the Indian Penal Code and the other offence is under section 309 of the IPC. The said offences are not of any serious nature. As a matter of fact the statement of the deceased Lamxibai itself discloses that the offence in question is the result of fight between the two groups in the community.

5. The investigation is complete. The Applicant is a woman. Considering the case made out by the prosecution against the Applicant, the Applicant is entitled to be enlarged on bail subject to stringent conditions.

6. In view of the above, the following order is passed:

(i) The Applicant shall be enlarged on bail in connection with C.R.No.10 of Kurduwadi Police Station, subject to furnishing a personal bond of Rs.10,000/- with one or two sureties in like amount.

(ii) The bail is granted subject condition that the Applicant will attend the concerned Police Station twice a week.

(iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iv) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

(v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) Application is disposed of in above terms.

Judge.